



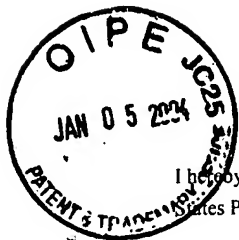
Image 1637
PTO/SB/21 (08-03)

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/043,573
		Filing Date	January 9, 2002
		First Named Inventor	Lemieux, Bertrand
		Art Unit	1637
		Examiner Name	Alexander H. Spiegler
Total Number of Pages in This Submission		Attorney Docket Number	018547-030130US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> Return Postcard
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual	Townsend and Townsend and Crew LLP Joe Liebeschuetz Reg. No. 37,505
Signature	<i>J. Liebeschuetz</i>
Date	12/29/03

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	<i>J. LIEBESCHUETZ</i>		
Signature	<i>J. Liebeschuetz</i>	Date	12/29/03



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

PATENT
Attorney Docket No.: 018547-030130US
Client Ref. No.: 3038.1B

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On December 29, 2003

TOWNSEND and TOWNSEND and CREW LLP

By: J. Hoesel

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Lemieux et al.

Application No.: 10/043,573

Filed: January 9, 2002

For: BRASSICA POLYMORPHISMS

Customer No.: 20350

Confirmation No. 9369

Examiner: Alexander H. Spiegler

Technology Center/Art Unit: 1637

RESPONSE TO RESTRICTION
REQUIREMENT

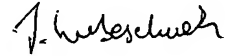
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement mailed November 28, applicants elect SEQ ID NO:57 with traverse. The requirement is traversed on the basis of lack of undue burden. It is noted that in both parent and grandparent cases (US 6,114,116 and US 6,358,686) ten sequences were searched apparently without undue burden. Moreover, prosecution was extremely brief in both cases again suggesting that no undue burden would result to the present Examiner from examining ten sequences. Such would also be consistent with MPEP 803.04 p "It has been determined that normally ten sequences constitute a reasonable number for examination purposes." If the light of the above the Examiner is persuaded to examine ten sequences, applicants also elect SEQ ID NOS: 58, 60-62, 64, and 66-69.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



Joe Liebeschuetz
Reg. No. 37,505

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
Attachments
JOL:jol
60109471 v1